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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
JESUS CORTES et al
Serial No.: 463,705
Filed: January 25, 2000
For: BIOSYNTHESIS...AND THEIR USE

600 Third Avenue
New York N.Y. 10016
June 12, 2001

RESPONSE

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

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Responsive to the office action of June 4, 2001, Applicants request reconsideration of the application in view of the remarks presented herein.

The Examiner has held the response of March 20, 2001 as not being fully responsive since Applicants did not make an election of a single disclosed species and the Examiner has clarified his election of species requirement in that if the species of groups I to VII were elected, further election between the 11-poly-nucleotides was required.

In order to be fully responsive to the office action, Applicants hereby elect the polynucleotide eryBII with traverse. It is deemed that the polynucleotides are not patentably distinct since they all have the same utility and it is requested that all of the polynucleotides be examined in the same application.

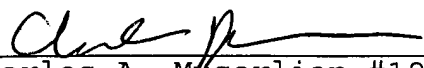
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I hereby certify that this paper or fee is being deposited with the United States Patent and Trademark Office as required by 35 U.S.C. 110 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C.

June 12, 2001
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Since Applicants are awaiting a first action on the merits after 1 1/2 years of the filing of the application, it is requested that the Examiner give a prompt action on the merits.

Respectfully submitted,
Bierman, Muserlian and Lucas

By:


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CAM:ds

Encl.: Return receipt postcard